IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 281 OF 2005

M/s Himachal Futuristic
Communications Ltd.,
through Shri Jagdish M.
Lodha. ... Petitioner

versus

Commissioner of Central Excise
and Customs and others. ... Respondents

Mr. Balbir Singh and Mr. M. S. Sonak, Advocates for the Petitioner.

Mr. C. A. Ferreira, Assistant Solicitor General for the Respondents.

CORAM : R. M. LODHA &
N. A. BRITTO, JJ.

DATE : 30TH AUGUST, 2005.

P.C.:-

Heard Mr. Balbir Singh, the learned Counsel for the Petitioner and Mr. C. A. Ferreira, the Assistant Solicitor General for the Respondents.

During the course of motion hearing, it transpired that the Petitioner has already made an application before the Customs Excise & Service Tax Appellate Tribunal under Rule 41 of CEGAT Procedure Rules for stay of the impugned demand (Notice dated 9-6-2004).

Since the subject matter is already pending before the Tribunal and an application for stay has been made by the Petitioner, we are satisfied that no case for invocation of the extra-ordinary jurisdiction is made out.

We, however, record and accept the statement of the learned Assistant Solicitor General that for a period of six weeks no coercive steps shall be taken for realisation of the amount demanded vide Notice dated 9-6-2004.

Writ Petition is dismissed in limine with the aforesaid observations.

R. M. LODHA, J.

N. A. BRITTO, J.

RD.